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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,327	01/02/2002	Thomas J. Wheeler	0275Y-000388	7251

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,327

Applicant(s)

WHEELER ET AL. 

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 and 17 is/are allowed.
- 6) ☒ Claim(s) 18, 19, 21-23 and 25 is/are rejected.
- 7) ☒ Claim(s) 20 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendments filed September 8, 2003 and December 18, 2003 have been entered.

Drawings

2. The proposed drawing corrections filed on December 18, 2003 are approved.
3. The replacement drawings received on September 8, 2003 have been placed in the application file.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Holzer, Jr., pn 5,103,565.

Holzer discloses a saw blade (e.g., 32; 40) with every structural limitation of the claimed invention including an angularly disposed edge section (e.g., at the rightmost end of 32; 40b).

Regarding claim 21, Holzer discloses such a mounting edge in the embodiment shown in Figure 4.

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6. Claims 18 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Ortmann, pn 5,324,052.

Ortmann discloses a saw blade with every structural limitation of the claimed invention including an angularly disposed edge section (e.g., the vertical edge as viewed in Fig. 3).

Claim Rejections - 35 USC § 102/103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 22 and 25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Holzer, Jr., pn 5,103,565.

Holzer discloses a saw blade (e.g., 32; 40) with every structural limitation of the claimed invention including an angularly disposed edge section (e.g., at the rightmost end of 32; 40b).

Regarding claim 25, Holzer discloses such a mounting edge in the embodiment shown in Figure 4.

In the alternative, if it is argued that Holzer does not disclose a support structure as claimed, the Examiner takes Official notice that such support structures are old and well known in the art and provide various well known benefits including a simple configuration that efficiently and effectively holds the saw blade in place. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a support structure for the saw blade of Holzer for the well known benefits including those described above.

Claim Rejections - 35 USC § 103

9. Claims 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holzer, Jr., pn 5,103,565 in view of Tseng, pn 5,664,792.

Holzer discloses a saw blade (e.g., 32; 40) with almost every structural limitation of the claimed invention but lacks the shank portion having an aperture with a flat rear edge. However, the Examiner takes Official notice that such apertures are old and well known in the art and provide various known benefits including facilitating mounting and

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dismounting of the saw blade. Tseng discloses one example of such an aperture.

Therefore, it would have been obvious to one having ordinary skill in the art to provide such an aperture on the saw blade of Holzer for the well known benefits including that described above.

10. Claims 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ortmann, pn 5,324,052 in view of Tseng, pn 5,664,792.

Ortmann discloses a saw blade with almost every structural limitation of the claimed invention but lacks the shank portion having an aperture with a flat rear edge. However, the Examiner takes Official notice that such apertures are old and well known in the art and provide various known benefits including facilitating mounting and dismounting of the saw blade. Tseng discloses one example of such an aperture. Therefore, it would have been obvious to one having ordinary skill in the art to provide such an aperture on the saw blade of Ortmann for the well known benefits including that described above.

Allowable Subject Matter

11. Claims 16 and 17 are allowable over the prior art of record.

12. Claims 20 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (703)308-1404. The examiner can normally be reached on Wednesdays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (703)308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Clark F. Dexter
Primary Examiner
Art Unit 3724**

cfd
March 22, 2004